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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,731	03/30/2000	Kenneth J. Myers	BEU/FORESITE4	8860
7590 12/01/2003			EXAMINER	
Bacon & Thomas 625 Slaters Lane 4th Floor Alexandria, VA 22314-1176			FINEMAN, LEE A	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/538,731

Applicant(s)

MYERS, KENNETH J.

Examiner

Lee Fineman

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

A request for continued examination under 37 CFR 1.114 was filed in this application after notice of appeal to the Board of Patent Appeals and Interferences. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3 September 2003 has been entered in which claim 8 was amended. Claims 8 and 10-12 are pending.

Specification

1. The disclosure is objected to because of the following informalities: In amended page 12, line 18 to page 13, line 6, the newly added description "As is apparent from fig. 3, inclusion of various components of the stereoscopic effects device in housing 19 has the effects of limiting the field-of-view of the viewer **when the viewer**" is grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheiman, U.S. Patent 4,588,259 in view of Chikazawa, U.S. Patent 5,896,225 and Reaney, U.S. Patent 5,523,890.

Sheiman discloses a stereoscopic effects device (fig. 7) comprising an image interlacing arrangement including at least one video display screen (10, column 3, lines 42-45); a microprism sheet (16) including a substrate (22) and a plurality of grooves having intersecting sides that form a v-shape (24), the sides of the grooves forming first and second sets of substantially planar surfaces (24); wherein the sides of the grooves are respectively arranged to refract light from first and second image sources (12, 14) so that the light from separate first and second images on the video display screen exits the microprism sheet to form an interlaced image (20); polarizers situated between the video display screen and the microprism sheet (15, 17); and polarized filters (27 and 29) situated between the microprism sheet and respective left and right eyes of a person (fig. 7). Sheiman does not disclose the sides of the grooves being arranged so that light exits the microprism sheet in parallel and all of the components of the stereoscopic effects device (the video display screen, the microprism sheet, polarizers, and polarized filters) being situated in a common housing said housing limiting a field-of-view of said person so that only an image displayed on the video display screen is visible to the person through the polarized filters. Chikazawa teaches grooves of a microprism sheet that are arranged such that light from first and second images exits the microprism sheet in parallel (12, figs. 8 and 9 and column 3, lines 16-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the grooves of Sheiman be arranged such that light exits the microprism sheet in parallel as Chikazawa suggests in order to produce a simple and inexpensive arrangement which visualizes a stereoscopic image via a pixel-like registration and/or display (column 1, lines 24-26; Chikazawa). Reaney teaches that having all components of a stereoscopic effects device (fig. 7) be situated in a common housing, where said housing limits a

Art Unit: 2872

field-of-view of said person so that only an image displayed on the video display is visible to the person (column 2, lines 20-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have all of the components of the stereoscopic effects device of the combination be situated in a common housing as Reaney suggests in order to shut out unwanted ambient light (column 2, lines 23-26; Reaney).

3. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheiman in view of Chikazawa and Reaney as applied to claim 8 above, and further in view of Powell, U.S. Patent 5,483,254.

Sheiman in view of Chikazawa and Reaney as applied to claim 8 above, lacks wherein the housing is a housing of a handheld video game player and wherein said video display is an LCD screen. Powell teaches a device for stereoscopic images wherein the housing is a housing of a handheld video game player (column 2, lines 4-7 and column 11, lines 60-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the housing of Sheiman in view of Chikazawa and Reaney to be a housing of a handheld video game player as taught by Powell to be used with 3-D video games (column 2, lines 4-19, Powell). Powell also teaches wherein said video display is an LCD screen (column 2, lines 40-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the video display of Sheiman in view of Chikazawa and Reaney to be an LCD screen to reduce weight and decrease size for portability (column 2, lines 43-46, Powell).

Response to Arguments

4. Applicant's arguments filed 3 September 2003 have been fully considered but they are not persuasive.

Applicant argues that Sheiman teaches away from decreasing the field-of-view by providing polarized filters fixed in a housing, because Sheiman suggests a separate polarized filter arrangement in the form of glasses and the ability of a multiplicity of observers to see the display. The examiner respectfully disagrees. While Sheiman does have an embodiment with glasses, the embodiment relied upon for the rejection is in fig. 7 where in the polarizers are supplied in window (53). First, although not explicitly stated, "window" implies an opening in something, probably a stationary housing holding all the elements. Second, Sheiman does state that in this embodiment "the only difference is that the observer 51 need not wear glasses **but only needs to position himself such that each line of sight from his eyes is directed separately through the corresponding filter 27 or 29,**" which implies some limiting of the field-of-view. Therefore an obvious type rejection for a housing is appropriate.

Applicant further argues that Reaney only discloses a magnifying arrangement with no suggestion that polarization filters should be fixed in a housing. Examiner acknowledges that no polarization filters are disclosed, however Reaney does have elements for stereoscopic viewing fixed within the housing (19 and 20, column 4, lines 61-60) and therefore does provide the suggestion of putting stereoscopic elements, which could include polarizers, in a housing.

Applicant further argues that Powell like Sheiman seeks to increase the field of view and therefore teaches away from a housing limiting the field-of-view. However, Powell is not relied upon for a teaching of limiting the field-of-view. Powell is relied upon only for the teaching of a

Art Unit: 2872

stereoscopic device housing that is portable/handheld and device that uses an LCD display screen.

5. It is noted by the Examiner that the claim objections and 112 rejection made in the previous Office Action have been withdrawn due to amendment and persuasive arguments presented by the Applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (703) 305-5414. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.



LAF

November 26, 2003


MARK A. ROBINSON
PRIMARY EXAMINER